## REMARKS

Claims 1-5, 7, 8 and 10-12 are all the claims pending in the application.

### I.     Claim Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-5, 7, 8 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Corrigan et al. (U.S. 6,522,977) in view of Alman (U.S. 4,479,718), the Admitted Prior Art (specification: pg. 1, lines 9-25), and Nakagome et al (U.S. 5,917,541).

Claim 1, as amended, recites that a total sum of brightness is obtained by totaling the brightness of each of the plurality of partitions, that an average brightness is obtained by dividing the total sum of a total number of the plurality of partitions, that a threshold is set at a value which is at least the average brightness, and that the glitter feeling is evaluated on the basis of a brightness whose value is at least the threshold. Applicants respectfully submit that the cited prior art fails to teach or suggest at least this feature of claim 1.

Regarding Corrigan, Applicants note that this reference discloses a method and apparatus for matching paint on a vehicle by using a paint scanning device in the form of a colorimeter (see col. 6, lines 47-49) or a spectrophotometer (see col. 5, lines 7-11). The Examiner, however, recognizes that Corrigan does not evaluate a glitter feeling as recited in claim 1.

Regarding Alman, Applicants note that this reference discloses a method and apparatus for matching metallic paint on a vehicle. Due to the directional reflectance characteristics of metallic paint, Alman discloses that it is necessary to take measurements at more than one angle in order to account for the orientation of the flakes in the metallic paint (see col. 1, lines 41-46).

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In particular, Alman discloses the use of reflectance factors which are utilized in calculating the tristimulus values (X, Y, Z) of a color (see col. 2, lines 47-65). The tristimulus values can be used to calculate color descriptors which relate to visual perception of color and color difference (see col. 2, line 67 through col. 3, line 1). In Alman, the Table in lines 12-23 of column 4 shows the tristimulus values that were calculated at a plurality of angles.

Thus, while Alman calculates tristimulus values (X, Y, Z) which are used to calculate color descriptors that relate to visual perception of color and color difference, Applicants respectfully submit that there is absolutely no disclosure in Alman regarding a total sum of brightness being obtained by totaling the brightness of each of a plurality of partitions, an average brightness being obtained by dividing the total sum of a total number of the plurality of partitions, a threshold being set at a value which is at least the average brightness, and a glitter feeling being evaluated on the basis of a brightness whose value is at least the threshold, as recited in amended claim 1.

Regarding the admitted prior art, Applicants note that the Examiner has relied on the admitted prior art for the teaching of K-values (showing a light absorbing coefficient) and S-values (showing a light scattering coefficient) as disclosed on page 1, lines 9-25 of the specification. Applicants respectfully submit, however, that calculating K-values and S-values clearly does not correspond to the above-noted features recited in amended claim 1.

Regarding Nakagome, Applicants note that this reference discloses a color sense measuring device that utilizes a solid-state camera 21 to take an image of an object and convert the image into pieces of image signal data on three primary colors of red, green and blue light

(see col. 5, lines 8-11). These pieces of image signal data are stored in memory 22 from which they are sent to the hue/saturation/lightness transform part 32 of the color sense measuring section 33 (see col. 5, lines 11-15). In addition to the above-noted elements, the color sense measuring device 3 of Nakagome also includes a gloss degree calculating part 34 and a texture degree calculating part 42.

The gloss degree calculating part 34 calculates a 2D gloss degree distribution image from the stored contents of the 2D hue, saturation, and lightness memories stored in the hue/saturation/ lightness transform part 32 (see col. 4, lines 40-45). Similarly, the texture degree calculating part 42 calculates hue, saturation and lightness texture degrees from the stored contents of the 2D hue, saturation and lightness memories stored in the hue/saturation/lightness transform part 32 (see col. 4, lines 50-55).

Thus, while Nakagome discloses a color sensing device that calculates a 2D gloss distribution image, and calculates hue, saturation and lightness texture from image data captured by a solid-state camera, Applicants respectfully submit that there is absolutely no disclosure in Nakagome regarding a total sum of brightness being obtained by totaling the brightness of each of a plurality of partitions, an average brightness being obtained by dividing the total sum of a total number of the plurality of partitions, a threshold being set at a value which is at least the average brightness, and a glitter feeling being evaluated on the basis of a brightness whose value is at least the threshold, as recited in amended claim 1.

In view of the foregoing, Applicants respectfully submit that the combination of cited prior art fails to teach, suggest or otherwise render obvious the above-noted features recited in

claim 1. Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is respectfully requested.

In addition, Applicants note that claim 1 has also been amended to recite that a particle feeling is evaluated by a two-dimensional power-spectrum integral value obtained by integrating the power of a low-spatial-frequency component in accordance with a spatial frequency spectrum constituted by two-dimensional-Fourier-transforming the two-dimensional image, and normalizing the power with a DC component, the two-dimensional image photographed by the CCD camera having been divided into the plurality of partitions. Applicants respectfully submit that the cited prior art also fails to disclose or suggest this feature of claim 1.

For example, in Nakagome, Applicants note that the pieces of signal data stored in the hue/saturation/lightness transform part 32 of the sense measuring section 3 are fed to a 2D FFT part 33, wherein they are subjected to fast Fourier transformation processing, and the resulting power spectra are stored in the hue, saturation and lightness power spectrum memories (see col. 5, lines 36-41).

Thus, while Nakagome discloses that data stored in the hue/saturation/lightness transform part 32 of the sense measuring section 3 is subjected to fast Fourier transformation processing, Applicants submit that Nakagome makes absolutely no mention of a two-dimensional power-spectrum integral value obtained by integrating the power of a low-spatial-frequency component in accordance with a spatial frequency spectrum constituted by two-dimensional-Fourier-transforming the two-dimensional image, and normalizing the power with a DC component, as recited in amended claim 1.

Further, Applicants respectfully submit that Corrigan, Alman and the Admitted Prior Art also clearly fail to disclose or suggest the above noted feature recited in amended claim 1. Accordingly, as the cited prior art fails to disclose, suggest or otherwise render obvious the above-noted feature recited in claim 1, Applicants respectfully submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claims 4 and 7, Applicants note that each of these claims has been amended in a similar manner as discussed above regarding claim 1. Accordingly, for at least similar reasons as noted above, Applicants respectfully submit that the combination of cited prior art fails to teach, suggest or otherwise render obvious all of the features recited in claims 4 and 7. Accordingly, Applicants submit that claims 4 and 7 are patentable over the cited prior art, an indication of which is respectfully requested.

Claims 2, 3 and 10 depend from claim 1; claims 5 and 11 depend from claim 4; and claims 8 and 12 depend from claim 7. Thus, Applicants respectfully submit that these claims are patentable at least by virtue of their dependency.


## II.    Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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